

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NICK JAMES GONZALES,

Petitioner,

v.

No. CV 18-00283 KG/KRS

TIMOTHY HATCH, et al.,

Respondents.

ORDER TO CURE DEFICIENCY

THIS MATTER is before the Court on Petitioner Nick Gonzales' Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, filed on March 26, 2018. [Doc. 2]

The Court concludes that Petitioner's filing is deficient for the following reasons:

- (1) it is not signed under penalty of perjury as required by 28 U.S.C. § 1915(a)(1);
- (2) it does not list his assets, as required by 28 U.S.C. § 1915(a)(1) (requiring an applicant seeking to proceed *in forma pauperis* to submit an affidavit that includes "all assets such prisoner possesses"); and
- (3) it does not include Petitioner's six-month inmate account statement as required by 28 U.S.C. § 1915(a)(2).

To cure these deficiencies, Petitioner must submit, within thirty (30) days from the date of this Order, an affidavit signed under penalty of perjury that lists his assets and their value, including Petitioner's six-month inmate account statement. If Petitioner has no assets or funds, then Petitioner must list his assets and their value as "0" or negative in value. It is a violation of this Order to leave the assets portion of the affidavit blank.

Any papers that Petitioner submits in response to this Order must include the civil action

number of this proceeding (No. CV 18-00283 KG/KRS). Failure to provide the financial information required by § 1915(a) may result in the denial of Petitioner's motion without further notice.

IT IS THEREFORE ORDERED that, within thirty (30) days from the date of this Order, Petitioner must submit an affidavit that lists his assets and their value, including, but not limited to, any funds that currently exist in his prisoner account;

IT IS FURTHER ORDERED that the Clerk of the Court is directed to send to Petitioner, together with a copy of this order, a form Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915.


UNITED STATES MAGISTRATE JUDGE